

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Establishment – A.P. State Wakf Board – Sri S.M.Raza Zaidi, Senior Assistant, A.P. State Wakf Board – Terminated from Service – Re-instatement orders issued – Orders Cancelled.

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**MINORITIES WELFARE (WAKF-III) DEPARTMENT**

G.O.Ms.No. 154

Dated: 26-07-2011.  
Read the following:

1. G.O.Rt.No.1726/Revenue (Wakf) dept., dated: 22-10-1980
2. Procdgs. of the Spl. Officer A.P. State Wakf Board, No. 49/DC-B/Rent/89, dated: 30-01-1993
3. From the Spl. Officer, APSWB, D.O.Lr.No. 80/Peshi/21/94, dated: 11-01-1994.
4. Procdgs. of the Spl. Officer, APSWB No. 49/DC-B/Rent, dated: 04-03-1994.
5. Procdgs. of the Spl. Officer, APSWB No. 49/DC-B/Rent, dated: 09-06-1995.
6. From the High Court of A.P. W.P.MP.No.24967 of 1995 in W.P.No. 20336/95.
7. From Sri S.Md.Raza Zaidi, UDC (u/s) representation dated: 31-12-1996
8. From the Asst. Registrar, AP High Court, Telegram dated: 31-12-1996 in W.P.No. 20336/95
9. Procdgs. of the CEO, APSWB No. 49/DC-B/Rent/89, dated: 06-01-1997.
10. From the Enquiry Officer, APSWB Enquiry report dated: 03-10-1997.
11. Procdgs. of the Chair Person, APSWB No. 49/DC-B/Rent, dated: 29-11-1998.
12. From the APSWB Procdgs.No. 49/DC-B/Rent, dated: 29-12-1998
13. From the APSWB Procdgs.No. 49/DC-B/Rent, dated: 16-08-2000
14. From the APSWB Procdgs.No. 49/DC-B/Rent, dated:17-10-2001
15. From the High Court of A.P. Judgment dt: 17-04-2002 in W.P.No. 1563/93
16. From the Spl. Officer, APSWB.No. 49/DC-B/Rent, dated: 04-01-2008.
17. Govt.Memo.No.4403/Wakf-III/ A2/2008, Dt: 19-08-2008.
18. From Sri S.M.Raza Zaidi, Ex-Senior Asst., APSWB representation dt: 21-08-2008.
19. From the CEO, APSWB No.49/DC-B/Rent/89-Supple, dated: 19-07-2008.
20. G.O.Rt.No.600, MW (Wakf-III) Dept., Dt: 04-10-2008.
21. From the High Court of A.P. Orders dated: 9-11-2008 in W.P.No. 25384/2008.
22. From the High Court of A.P. Orders dated:15-07-2011 in W.P.No. 25384/2008.
23. From Sri S.M.R.Zaidi former Employee of APSWB, dated: 16-07-2011.

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**ORDER:-**

A W.P. No. 25384/2008 was filed by Sri Mohsim Bin Hussain challenging the G.O Rt. No. 600, MW (Wakf.III) Department, dt. 04.10.2008. The High Court of A.P. vide its order dated 15.07.2011 dismissed the Writ Petition No. 25384/2008.

2. It is observed that a representation has been filed by Sri S.M.Raza Zaidi, Ex-Senior Asst., APSWB in his representation dated: 16-07-2011 vide reference 23<sup>rd</sup> read above has requested for re-instatement into service.

3. In the light of the Orders of the Hon'ble High Court of A.P. dated: 15-07-2011 made in W.P.No. 25384/2008, the matter has been **re-examined in detail** by the Government.

**(P.T.O)**

4. The brief facts of the case are that one Sri S.M. Raza Zaidi, UDC of A.P. State Wakf Board was terminated from service on grave charges by the Special Officer, A.P. State Wakf Board vide Procdgs. No.49/DCB/Rent/89, dt. 30.01.1993 after a detailed enquiry and following due process of law.

5. Aggrieved by the above orders, Sri S.M. Raza Zaidi, filed W.P. No. 1563/1993 before the Hon'ble High Court.

6. When the matter stood thus, the then Special Officer, A.P. State Wakf Board re-instated the AO on 04.03.1994 vide Procdgs. of the Spl. Officer, APSWB No. 49/DC-B/Rent, dated: 04-03-1994. The re-instatement was also objected to by the Government in Minorities Welfare Department vide Memo No. 46660/93-13 MW Dept., dt. 28.04.1995.

7. The above matter was reviewed by the Special Officer, Wakf Board vide proceedings No. 49/DCB/Rent/89, dt. 09.06.1995 in which it is observed that the action of the then Spl. Officer reinstating Sri S.M. Raza Zaidi **was hasty and without jurisdiction** and therefore the orders were **rescinded** and Sri S.M. Raza Zaidi was placed under suspension pending enquiry. Sri M.A. Gafoor, Secretary, APSWB was also appointed as Inquiry Officer.

8. The same was challenged by Sri S.M. Raza Zaidi in W.P.No. 24967/1995 and on 11.09.1995, the Hon'ble High Court of AP has ordered status quo and stayed denovo inquiry.

9. At this stage, Sri S.M. Raza Zaidi has withdrawn W.P. No. 20336/95 and requested the A.P. State Wakf Board to reinstate him.

10. The A.P. State Wakf Board vide their proceedings No. 49/DCB/Rent/89, dt. 06.01.1997 ordered for re-instatement of Sri S.M. Raza Zaidi on 06.01.1997.

11. On 17.04.2002, the Hon'ble High Court of AP has dismissed the W.P. No. 1563/1993 filed by Sri S.M. Raza Zaidi with the following orders:

"When the Wakf Board is not duly constituted, it is always permissible for the State to appoint Special Officer, who shall discharge all the functions of the Wakf Board. Therefore, no infirmity can be found as the Spl. Officer acting for the Wakf Board passed the order of termination. In the result, the W.P. fails and is accordingly dismissed".

12. When the matter stood thus, on 04.01.2008, the Special Officer, A.P. State Wakf Board vide Procdgs.No. 49/DC-B/Rent, dated: 04-01-2008 has passed the following orders:

"Thus in the light of the order of the Hon'ble High Court of AP in W.P. No. 1563/1993 upholding the A.P. State Wakf Board, **the termination of services of Sri S.M. Raza Zaidi, Sr. Assistant, APSWB stands valid.**

13. On 21.08.2008, Sri S.M. Raza Zaidi submitted petitions to the then Minister for Minorities Welfare to reinstate him into service. On a reference from Government in M.W. Department, the CEO, Wakf Board reported that before issuing the termination

orders, no enquiry had been conducted, as contemplated under Article 311 of the Constitution of India, nor any opportunity was given by issuing a Show Cause Notice calling upon him to explain as to why his services should not be terminated on the charges levelled against him.

14. The Government on the basis of the report of the CEO, A.P. State Wakf Board issued orders in GO Rt. No. 600, MW (Wakf.I) Dept., dt. 04.10.2008 reinstating the AO and ordering for appointment of an Enquiry Officer to conduct enquiry into the allegations against the AO.

15. At this juncture, one Sri Mohsim Bin Hussain, A-1 Kasary, has filed W.P. No. 25384/2008 before the Hon'ble High Court of A.P. against the reinstatement of Sri S.M. Raza Zaidi ordered in GO Rt. No. 600, MW Dept. dated: 04-10-2008. The Hon'ble High Court of A.P. has passed the following interim directions on 19.11.2008:

“By way of an ad-interim relief, it is directed that the respondent No. 3 **shall not be permitted to resume** his duties until further orders”.

16. The Hon'ble High Court of AP has finally disposed off W.P. No. 25384/2008 on 15.07.2011 by dismissing the PIL.

From the above chronology of events, it is obvious that Sri S.M. Raza Zaidi has been filing petitions *to circumvent his termination orders passed by the Spl. Officer, A.P. State Wakf Board, which was also confirmed by the High Court of A.P.*

17. It is also seen that Sri S.M. Raza Zaidi in his petitions to the then Minister for Minorities Welfare, which resulted in issuance of the GO Rt. No. 600, MW Dept., dated: 04-10-2008, falsely represented that his termination orders were passed without giving any opportunity.

18. It is also seen that the then CEO of A.P. State Wakf Board has tried to **mislead** the Government by falsely representing that the Spl. Officer, Wakf Board passed the order of termination in Prcdgs.No. 49/DC-B/Rent, dated: 04-01-2008, without giving the delinquent officer any opportunity or without conducting any enquiry, though the CEO was fully aware that the order dt. 04.01.2008 was only reiteration of the earlier orders of the Spl. Officer A.P. State Wakf Board, in Procdgs. No. 49/DC-B/Rent/89, dated: 30-01-1993 which was issued after due enquiry and following the due procedure.

19. The CEO, APSWB was also aware that the order of the Spl. Officer dt. 04.01.2008 was issued only after the earlier orders in Proc. No. 49/DC-B/Rent/89, dated: 30-01-1993 were confirmed by the Hon'ble High Court of A.P in W.P.No. 1563/1993 on 17-04-2002.

20. The CEO, APSWB was also aware that the order dt. 04.01.2008 was issued by the Spl. Officer after obtaining legal opinion of the then Standing Counsel, A.P. State Wakf Board.

21. In view of the above, it is obvious that the orders in GO Rt. No. 600, MW Dept., dt. 04-10-2008 were issued on a mis-representation of facts. Accordingly, it has been decided by the Government to **cancel** the orders issued in GO Rt. No. 600, MW Dept., dated: 04-10-2008.

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22. Accordingly, the G.O.Rt.No.600, MW Dept., dated: 04-10-2008 is **cancelled**. Separate action will be initiated against the then Chief Executive Officer, A.P. State Wakf Board, Hyderabad as per rules.

23. The Chief Executive Officer, A.P. State Wakf Board, Hyderabad is requested to take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MOHD. ALI RAFATH  
SECRETARY TO GOVERNMENT

To  
The Chief Executive Officer, A.P. State Wakf Board, Hyderabad  
The Individual through the Chief Executive Officer,  
A.P. State Wakf Board, Hyderabad

Copy to:

The OSD to Minister (MW)  
The P.S. to Secretary to Govt., Minorities Welfare Department.  
Sc/Sf.

// FORWARDED :: BY ORDER//

SECTION OFFICER